

401 KAR 51:195. NOx opt-in provisions.

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. 51.121 as amended at 65 FR 11222 (March 2, 2000), 51.122, 72.2, 75.1, 75.2, 75.4, 75.11-75.13, 75.17, 75.19, 75.20, 75.24, 75.70, 75.72, 75.74, 75.75, Part 96, 42 U.S.C. 7410, 7661

STATUTORY AUTHORITY: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. 51.121 as amended at 65 FR 11222 (March 2, 2000), 51.122, 72.2, 75.1, 75.2, 75.4, 75.11-75.13, 75.17, 75.19, 75.20, 75.24, 75.70, 75.72, 75.74, 75.75, Part 96, 42 U.S.C. 7410, 7661

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 requires the Environmental and Public Protection Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. The federal regulation incorporated by reference in this administrative regulation establishes provisions for individual sources to opt into the NOx Budget Trading Program. This administrative regulation is not more stringent nor otherwise different than the provisions of the federal mandate.

Section 1. For purposes of 40 C.F.R. 96.80 to 96.88:

- (1) The administrator shall be the Administrator of the U.S. EPA;
- (2) The permitting authority shall be the cabinet;
- (3) The citations Subpart E, 96.4, 96.5, and 96.42, shall be 401 KAR 51:160;
- (4) The citations 96.20, 96.21(c), 96.22, and 96.23, shall be 401 KAR Chapter 52; and
- (5) The citation Subparts A through H shall be 401 KAR 51:001, 51:160, 51:170, 51:180, and 51:190.

Section 2. Applicability. Units that opt into the NOx Budget Trading Program shall comply with the requirements of 40 C.F.R. 96.80 to 96.88, which is incorporated by reference in Section 3 of this administrative regulation.

Section 3. Incorporation by Reference. (1) 40 C.F.R. 96.80 to 96.88, "Individual Unit Opt-ins," as published in the Code of Federal Regulations, 40 C.F.R. Part 96, July 1, 1999, is incorporated by reference.

(2) This material may be inspected, copied, or obtained at the following offices of the Division for Air Quality, Monday through Friday, 8 a.m. to 4:30 p.m.:

- (a) The Division for Air Quality, 300 Sower Boulevard, Frankfort Kentucky 40601, (502) 564-3999;
- (b) Ashland Regional Office, 1550 Wolohan Suite 1, Ashland, Kentucky 41102, (606) 929-5285;
- (c) Bowling Green Regional Office, 2642 Russellville Road, Bowling Green, Kentucky 42101, (270) 746-7475;
- (d) Florence Regional Office, 8020 Veterans Memorial Drive, Suite 110, Florence, Kentucky 41042, (859) 525-4923;
- (e) Frankfort Regional Office, 300 Sower Boulevard, Frankfort Kentucky 40601, (502) 564-3358;
- (f) Hazard Regional Office, 233 Birch Street, Suite 2, Hazard, Kentucky 41701, (606) 435-6022;
- (g) London Regional Office, 875 S. Main Street, London, Kentucky 40741, (606) 330-2080;
- (h) Owensboro Regional Office, 3032 Alvey Park Drive, W., Suite 700, Owensboro, Kentucky 42303, (270) 687-7304; and

(i) Paducah Regional Office, 130 Eagle Nest Drive, Paducah, Kentucky 42003, (270) 898-8468.

(3) Copies of the Code of Federal Regulations (C.F.R.) and the Federal Register (Fed. Reg) are available for sale from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. (27 Ky.R. 2614; 3286; eff. 8-15-2001; TAm eff. 8-9-2007; TAm eff. 5-20-2010; TAm eff. 9-16-2013; TAm eff. 4-2-2014; TAm eff. 7-8-2016; Crt eff. 7-30-2018.)